REMARKS

The present amendment is submitted in response to the Office Action dated June 9, 2008, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by October 9, 2008.

Claims 1 and 3-17 are pending in this application.

In the Office Action, claims 3, 4, 6, 7, 11, 13, and 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-8, 10-12, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2001/0015199 to Yamada et al in view of JP 2002071416 to Nakada et al. Claims 9, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al in view of Nakada et al and further in view of U.S. 2002/00033519 to Babcock et al.

In the present amendment, the specification has been amended to add standard headings and to delete reference to the claims.

The claims were amended to address the rejections under Section 112, second paragraph.

The Applicants note with regard to the rejection of claim 3 that the term "low doping" is recited in its first instance in claim 1, so that the use of "the low doping" in claim 2 does indeed have proper antecedent basis.

New claims 16 and 17 have been added, which recite narrower limitations of amended claims 4 and 10, respectively.

To more clearly define the present invention over the cited references, claim 1 was amended to add the features of claim 2, which was canceled. The Applicants respectfully submit that amended claim 1 is not rendered obvious by the cited reference combination of the Yamada and Nakada references.

Claim 1 of the present application defines a current limiter for an electrical machine, for example a starter for an internal combustion engine, in which a specialized semiconductor element is arranged in the main current path. This semiconductor element includes at least one monocrystalline semiconductor.

Semiconductor elements are described in the Yamada and Nakada references, which also can include monocrystalline regions. However, these semiconductors are not used for limiting the current in an electric motor; rather they represent air flow meters for internal combustion engines. These types of air flow meters, which include temperature-dependent semiconductor components, are generally known in the art. They are not suited, however, for use as current-limiting elements in an electrical circuit. There simply is no relation between the semiconductor elements of the cited art and the subject matter of amended claim 1.

Because claim 1 as amended includes features that are neither disclosed nor suggested by the cited references, whether viewed alone or in combination, the rejection under Section 103 must be withdrawn. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the

Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. ***In re Mills***, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700